

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM H. BOO'ZE, IV,	:	
	:	
Plaintiff,	:	
	:	Civil Action No.: 07-82 (GMS)
v.	:	
	:	
CORRECTIONAL MEDICAL SERVICES,	:	
et al.	:	
	:	
Defendants.	:	

**DEFENDANT CORRECTIONAL MEDICAL SERVICES
SUPPLEMENT IN SUPPORT OF ITS
RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION**

In accordance with the Court's Order of May 4, 2007 (D.I. 9), Defendant, Correctional Medical Services, by and through its undersigned counsel, submitted a response to Plaintiff's April 20, 2007 letter to the Court (D.I. 8) on May 14, 2007 (D.I. 18). Due to the time constraints imposed by the court for responding to Plaintiff's allegations, it was not possible for counsel to obtain executed affidavits in support of its Response in time for the May 14 filing deadline. The current submission to the Court contains the notarized affidavits of Dr. Rogers and nurses Neal and Vliet, the three individuals referenced by Plaintiff in his April 20 letter. These affidavits are submitted in support of Defendant's Response, and specifically deny the allegations made by Plaintiff against the above individuals.

/s/ Megan T. Mantzavinos
Megan T. Mantzavinos, Esquire/ID No. 3802
Marks, O'Neill, O'Brien & Courtney, P.C.
913 North Market Street, #800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant
Correctional Medical Services

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM H. BOOZE, IV,

Plaintiff,

v.

CORRECTIONAL MEDICAL SERVICES,
et al.

Defendants.

Civil Action No.: 07-82 (GMS)

AFFIDAVIT

STATE OF DELAWARE

COUNTY OF KENT

BE IT REMEMBERED that on this 18th day of May, 2007, personally appeared before me, the Subscribed, a Notary Public for the State and County aforesaid, DALE RODGERS, M.D., personally known to me as such, and being duly sworn according to law, did depose and say as follows:

1. I am over the age of eighteen and competent to make this Affidavit.
2. I am a physician in the employ of Correctional Medical Service at the Delaware Correctional Center in Smyrna, Delaware.
3. I am involved in the medical care of William Booze, including the prescription of his medications.
4. At no time did I tell Mr. Booze that I would "fix his ass" for naming me as a defendant in this lawsuit, nor did I ever say anything to that effect.
5. At no time did I tell Mr. Booze that if he did not drop his complaint against me, he would have "more problems than he could handle."

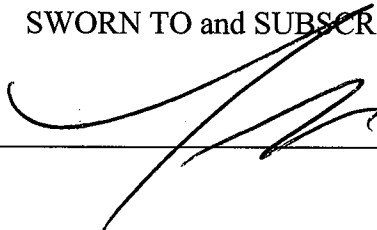
6. I did discontinue Mr. Booze's "Pain-Off" pills; however, the Pain-Off was substituted with Excedrin Migraine for treatment of the same condition. Pain-Off and Excedrin Migraine have the exact same formulation, and are essentially the same medication.

The above information is true and correct to the best of my knowledge and belief.



DALE RODGERS

SWORN TO and SUBSCRIBED before me the day and year first above written.



NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM H. BOO'ZE, IV, :
 :
 Plaintiff, :
 : Civil Action No.: 07-82 (GMS)
 v. :
 :
 CORRECTIONAL MEDICAL SERVICES, :
 et al. :
 :
 Defendants. :

AFFIDAVIT


STATE OF DELAWARE :
 :
 COUNTY OF KENT :

BE IT REMEMBERED that on this 17 day of may, 2007, personally
appeared before me, the Subscribed, a Notary Public for the State and County aforesaid,
QUANI NEAL, personally known to me as such, and being duly sworn according to law,
did depose and say as follows:

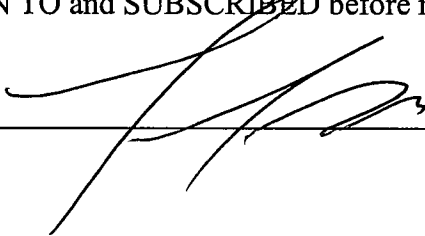
1. I am over the age of eighteen and competent to make this Affidavit.
2. I am a Registered Nurse in the employ of Correctional Medical Service at the Delaware Correctional Center in Smyrna, Delaware.
3. At all times relevant to this action, I have been involved in the medical care of William Boo'ze, including the administration of his medications.
4. At no time did I tell Mr. Boo'ze that I would "fix his ass" for naming me as a defendant in this lawsuit, nor did I ever say anything to that effect.
5. At no time did I tell Mr. Boo'ze that if he had surgery, he would die on the table.

6. At no time did I tell Mr. Boo'ze that I would not assist him if he had a heart attack.

The above information is true and correct to the best of my knowledge and belief.


QUANI NEAL

SWORN TO and SUBSCRIBED before me the day and year first above written.



NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM H. BOO'ZE, V,

Plain iff,

v.

CORRECTIONAL MEDICAL SERVICES,
et al.

Defendants.

Civil Action No.: 07-82 (GMS)

AFFIDAVIT

STATE OF DELAWARE

COUNTY OF KENT

BE IT REMEMBERED that on this 15 day of May, 2007, personally appeared before me, the Subscribed, a Notary Public for the State and County aforesaid, REBECCA VLIET, personally known to me as such, and being duly sworn according to law, did depose and say as follows:

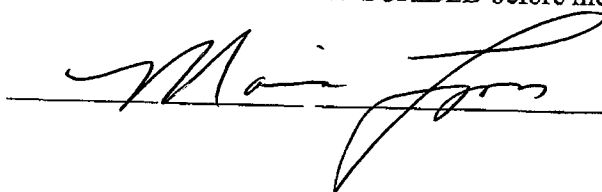
1. I am over the age of eighteen and competent to make this Affidavit.
2. I am a Registered Nurse in the employ of Correctional Medical Service at the Delaware Correctional Center in Smyrna, Delaware.
3. At all times relevant to this action, I have been involved in the medical care of William Boo'ze, including the administration of his medications.
4. At no time did I tell Mr. Boo'ze that I would "see to it that he suffered" for naming me as a defendant in this lawsuit, nor did I ever say anything to that effect.
5. At no time did I tell Mr. Boo'ze that if he had surgery, he would die on the table.

6. At no time did I tell Mr. Boo'ze that I would not assist him if he had a heart attack.

The above information is true and correct to the best of my knowledge and belief.


REBECCA VLIET

SWORN TO and SUBSCRIBED before me the day and year first above written.

 NOTARY PUBLIC

CERTIFICATE OF SERVICE

I, hereby certify that on **May 24, 2007**, I electronically filed an **Defendant, Correctional Medical Services Supplement In Support of Its Response to Motion for Preliminary Injunction** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following: **Ophelia M. Waters**. I hereby certify that on **May 24, 2007**, I have mailed by United States Postal Service, the document to the following non-registered participant:

William H. Booze, Inmate
SBI # 00256158
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/Megan T. Mantzavinos
Megan T. Mantzavinos, Esquire (I.D. No. 3802)
Ryan M. Ernst, Esquire (I.D. No. 4788)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 North Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorneys for Defendant Correctional Medical Services